Preserve

App. F. IX-4

Previous References

1933.
(Mysore)

File No. 239-33
Serial Nos. 1-3

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for September 34.

SUBJECT.

Proposal to sanction belonging to one Karanappa of Byappanahalli absconded

Mysore Pm
For Ch. Pm
Dy Com Bangal

WD 01965—GPB—15,000—7-7-34 1444 1.9 2-35.

Sanctions to transfer ½ the
a Kuparanana Swamy
w.s.a land

[App. F. III—2

General and Revenue Secretariat — Mucj File No. 23 of 1933-34

Serial No.

1

Letter No C3. 2231/33-34 dy 22-2-1934 from the Deputy Commissioner—Bangalore District addressed to the Chief Secretary stating that Sri Venkataramana Swamy temple Fort Bangalore city has been enjoying the lands in Khayamgutta Byrappanahalli Village for over 8 years and the orders of the then District Magistrate Mr. S Venkoba Rao transferring the said Inam lands to the temple may be formally ratified and recommending that the sum of Rs 634-11-7 in the Revenue deposit be transferred to the Credit of Sri Malleshwaram Swamy temple at Malleshwaram Bangalore City—

(1) Copy of the order dy 15/12/25 of the then Dy Commr Mr S. Venkoba Rao found in the record with P.W.D is not legible to me. This Govt under [illegible] empowered to transfer the Inam lands in possession of the [illegible] Venkatarayan against whom [illegible]

(2) As regards the proposed transfer of the Fund under the Revenue deposit to Sri Malleshwara Swamy temple [illegible] perhaps it is necessary to consult Revenue.

Q S 2/3

In the circumstances explained, the request of the D.C may be agreed to.

Sd 21/3/34

4) The M.E. Manual should be consulted & duly in the first instance.

Sd 21/3/34

H Lucy

For D 21/3

NOTE—Contn Sheet

WD 0434—GPB—15 000—12-10-33

959

Transfer of certain Revenue deposit of Malleswaram temple - Etc.

General and Revenue Secretariat

File No. of 1933.

Serial No.

6) To be dealt with connected papers of the Muzrai Commissioner for Report & Orders
C1148/33-34

By order
B Muralidhara Bhatta
22/3/34
for Financial Secretary to Govt.

GS LL 3.4
1148/33-4 Rev W O file

7) In the circumstances explained by the Deputy Commissioner, Bangalore District, both of his proposals, viz., confirming the lands to Sri Venkataramanaswami temple, Fort, Bangalore City, and transferring the amounts held in Revenue and Muzrai deposits to Sri Mallikarjunaswamy temple, Malleswaram, may be approved.

Returned with compliments.

N Venkatachalaiah
Muzrai Commissioner. 9/4/34

8) Both the D.C's recommendations agreed to by the Govt. may be sanctioned.

10/4/34

9) 11/4

10) The first proposal to regularise the portion may be sanctioned. 11/4

As regards the second it requires further consideration why was the existence of this asset lost sight of so long? What are the usual rules of disposal of such items

18/4

19/4

OFFICE OF THE SECOND MEMBER OF COUNCIL
12 APR. 1934
No.

General and Revenue Secretariat — File No. 239 of 193

Serial No.

Sl no 2.

G.O no 1444-7 dt 2-5-1934 sanctioning the proposal of the Deputy Commissioner Bangalore for the Benefit of Venkatarayanna Agrahara Tank.

Sd/- Illegible
2-5-34.

GENERAL & REV. SECTT. 3 APR 1934 REV SECTT.

Revised draft to be put.

As regards the remarks of the 2nd Member Council in para 11 supra the file may perhaps be referred to the MC as the words have been used in the GO direct. This is for orders.

Sd/- Illegible
27/4/34

A — Done Sd/- 28/4
B — For approval.
Sd/- 28/4/34

7-5-34
Sd/- 7/5

H.C.
C 1148/33-34
9 MAY 1934

Forwarded with compliments to the Mysore Commissioner for favour of giving further information called for in para 4 above.

Copy sent.

9/5/34
For Secretary to Government

GENL. & REV. SECRETARIAT 9 - MAY 1934

GENL. & REV. SECRETARIAT No. 97 9 - MAY 1934 ZRAI BRANCH

4. Sd/- 7/5
1148/33-34 8-6-34.

FINAL SECRETARY 9 MAY 1934

NOTE—Contn. Sheet.

Sd/- 11/6/34

WD 0434—GPB—15 000—12-10-33

6674/33

Re: disposal of realisations from law i
owned by an accused in a criminal case,
attached under Sec 88 Cr. P.C. & confiscated vide Govt

File No. of 193 . | General and Revenue Secretariat

Serial No.

H

20)

N Madhava Rau

21) Law Secy with Compliments for
favour of furnishing the information
req'd in para 11(a) supra.

16/6/34

16/6/34

Law

22) Please put up a copy of
Cr. Rules of Practice

1876

23) General Rules and Orders (Criminal) vol I is put up.

ISD 25/6.

24) There are no specific rules governing the disposal of properties attached under Sec 88 of Cr. P. Code. Subsec (7) of Sec 88 itself says that if the absconding accused does not appear within the time specified in the proclamation, the property under attachment "shall be at the disposal of Govt": Sec 89 prescribes a period of two years within which the attached property or its sale proceeds could be

Serial No.

restored to the owner

2) In this case the properties were attached in the year 1899 & confiscated to Govt by an order of the Court in 1900 – They are ever since then under the Control of Govt and are being leased out as Govt property.

3) The lands have been now given over to the Sri Venkataramana Swamy temple as a gift or endowment by Govt. The profits derived from the lands before this gift amount to about Rs 1030/- and it is proposed to hand this over to the Sri Mallikarjunaswamy temple at Malleswaram. There appears to be no legal objection to accept this proposal.

4) Under art 226(6) of the M C & C Vol I, sale proceeds of property attached under sec 88 Cr P C are made to form part of "Judicial deposits" ~~and~~ and if this by analogy is made to apply to profits raised from such property, it is not clear why in this case the amount is taken over as a Revenue Deposit or a Muzarai Deposit. Whether this makes any difference in the procedure to be adopted regarding the disposal of the fund is a matter in which the Fin Secty may be consulted

H

Asst Secy, Mun with Compts

25/6/34

8) Papers :– Port marked A above

Asst Secy Fin with Compts

26/6/34

20/7/34

NOTE—Contn. Sheet

Fc 3616 — 27/6/34

WD 70—GBPM—60 000—13-8-34.

Transfer of 6354 - M-7 in Revenue deposit being tax on Cama Hyderabad Confiscated from the late

File No. Nawab of [illegible] of 193 General and Revenue Secretariat

H 3616

The income from the properties should be treated in the same way as sale proceeds of the properties and should have been credited to Government as revenue under Courts of Law.

N 2317/34.

Asst Secy Law Dept
Law Comptt

2317/34.

2417/34

As already noted by me, there seems to be no legal objection to grant the money in question to the temple as recommended by the Mun Comr. But now that the money is really revenue under "Courts of Law", the consent of the High Court is, perhaps, necessary. The Cts Secy may be consulted.

Asst Secy Mun
with Comptt

2417/34

Dy Secy

2nd Mr

Refer his minute of 18-4-34.

27/7

Please bring up
What is the exact point for order now?

OFFICE OF THE SECOND MEMBER OF COUNCIL
28 JULY 1934
No. 70

27/7

3/8

3/8

Serial No.

34) One Narasappa was involved in a Criminal case in 1899–1900 and evaded arrest. His lands were confiscated to Govt under Sec 88 Cr. P. C., One half of these lands were got possession of by one Krishnappa and Nro the Civil Court in 17-18 and disposed of by him. The other half Continued to be Govt property. In 1926, on the report of the new Amildar, the Dt Magte Mr. Venkata Rao ordered the lands being given over to the Sri Venkataramanaswami temple, Fort, Bellary and stated in the order that Govt sanction, if necessary may be obtained. (Flag K). In accordance with this order of the Dt Magte the lands have been in the enjoyment of the said Sri Venkataramanaswami temple since then. As there was a sum of Rs 1031-3-7 (Rs 634-11-7 under Rev. deposit + Rs 366-8-0 in Munz. deposit) in deposit at the end of 30-31 being the realisations from these lands after defraying certain items including payment of taxes &c, the Dy. Collr Bellary Dt solicited instructions in his letter dy 22.2.34 (Pmd) to Sri Venkataramanaswami Temple Fort Bellary

(1) for ratifying the grant of lands ordered by the Dt Magte in 1926. and

(2) for transferring the amount in Rev. Deposit Viz Rs 634-11-7 to the Credit of Sri Prasanna Venkata Ramana temple at Hallikeram.

35) ~~Rs 634-11-7 has been~~ The grant of lands to Sri Venkataramanaswami temple was confirmed in Govt dy 2/5/34 (Pmd)

Note—Contn. Sheet

WD 70—GBPM—30 000—15-8-3.

Transfer of certain funds under Kandyan Deposit to Sri Nallikanjanam Sinai

File No 239 of 1933

General and Revenue Secretariat

As regards (2) the Law Secretary of the High Court of opinion that the amount realised in the above transaction should have been credited to Revenue under Courts of Law. The Law Secretary has suggested the High Court being consulted as regards its disposal as suggested by the D.C. Batticaloa.

36) The point for orders is whether the High Court may be consulted and suggested by the Law Secretary or the D.C. recommendation either approved or turned down without any reference to the High Court. It may be stated that it was wrong to have credited the amount to either Revenue or Suitors Deposits in the first instance. 16/8/34

II Member)

37) The money is really income to Govt from 'Courts of Law' + should have been merged long ago with Govt revenues. It is not a particularly large receipt to be given to another Minister. The D C's recommn. may be turned down

J/D 25/8

J/D 25/8

38) D/C Batticaloa

G.S. 25/8/34

no 27/8

39) Secy J/D 3/9

Serial No.	
3	No 309 dt 6.9.34 to the Deputy Commissioner — Bangalore District intimating that his proposal for transferring certain revenue deposits for the benefit of Sri Malleshwaram Swami temple at Malleswaram — Bangalore City, can not be sanctioned — No 310 dt 6/9/34 to the Mysore Commissioner — forwarding copy of the above letter.

Bo
14.9.34

MV

NOTE—Contn. Sheet

WD 70—Gdt W—80 0 10—15-8-35.

File No. of 193 General and Revenue Secretariat

4661/33

In all future communications please quote
No.... G3:2231/33-34
Enc Three files.

Tel. Address.—"DEPCOM"
Post Box No 34.

OFFICE OF THE DEPUTY COMMISSIONER
BANGALORE DISTRICT.

Dated, Bangalore, the . 22nd February. . . .

Mg 239-33 959.

FROM

K.V. Anantaraman, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

To

H. Ranga Rao, Esq., B.A., B.L.,
Chief *Secretary*
to the Government of Mysore.
Bangalore.

SIR,

Subject:—

In forwarding herewith the records relating to the disposal of the land belonging to one Naranappa of Byappanahally village, Krishnarajapura Hobli, Bangalore taluk confiscated to Government under Section 88 Criminal Procedure Code, I have the honour to state as follows:

Naranappa a ryot of Byappanahalli village, Bangalore taluk was involved in Criminal Case C.C.47 of 1899-1900 on the file of the Assistant Commissioner and First Class Magistrate, Bangalore District. As the accused was absconding and could not be traced a proclamation for his appearance was issued under Section 87 Criminal Procedure Code. As the accused did not appear in spite of the proclamation, his properties noted in the margin were attached under Section 88 Criminal Procedure Code and confiscated to Government by the order of the Court. These lands have been in possession of the Government from 1900-01 and were being leased out by Government and the realizations credited to the Treasury from time to time.

S.No.	Kind.	Extent.	Assessment.
Khayamgutta Byappanahally village.			
34	Dry	0 - 18	1- 0-0
37	Bagayat	4 - 14	11- 0-0
5	Wet	0 - 35	4- 0-0
62	-do-	0 - 22	1- 0-0
Byappanahally Badamanavartne Kaval			
8	Dry	6 - 13	9- 9-4
9	-do-	9 - 33	15- 4-0
11	Wet	1 - 15	4-14-0
TOTAL		23 - 30	46-11-4

2. One Krishnappa filed a Civil Suit against the said Naranappa for money due to him and in execution of the decree brought to sale one half of the lands belonging to Naranappa which were under attachment and in possession of Government and got possession of the lands through the Civil Court in 1917-18. The said Krishnappa and his descendants continued in possession of the lands till 1926, when the properties were sold for the recovery of certain amount due to Kacharakanahally Co-operative Society by the said Krishnappa and were purchased by Mr.K.Lakshminaranayya

tired Sub Judge in the above sale. The latter and his sons have been in enjoyment the properties since.

3. The validity of the sale of one half of the properties in favour of Krishnappa when the lands were in the actual possession of Government was not challenged before the concerned court. The records show that when the properties were sought to be attached and sold, a feeble protest was made by the Revenue Authorities by means of a letter addressed to the Court. Although the latter intimated that a formal regular petition should be filed, the matter was not pursued with the result that the one half share has vested in Krishnappa and the properties are being enjoyed by Krishnappa on his representation since 1918-19. It seems too late now to go into the question as any claim that Government may have had are perhaps barred by limitation. Further there is a mention in the records that the portion of the properties purchased by Krishnappa was the share of Naranappa's brother in the properties. It seems therefore that no useful purpose would be served by pursuing the matter further.

4. As regards the other half of the properties under the control of Government as stated above, they are being leased from time to time. And it is seen from a statement in the records that after defraying certain items including payment of taxes etc., a sum of Rs.1031-3-7 was in deposit at the end of 1930-31 of which a sum of Rs.634-11-7 is in Revenue Deposit and Rs.366-8-0 in Muzrai Deposit. In regard to the properties, the authorities of the Sri Venkataramanaswami temple had been petitioning for their grant to the temple and ultimately the then District Magistrate (Mr. B. Venkoba Rao) directed in his order in Cri. Mis. Case No.29/25-26 dated 15-1-26 that the lands may be transferred to the [illegible] obtaining Government sanction if necessary and the lands are since then in the enjoyment of the temple but the transfer has not however been formally approved by Government. I request that as the temple has been enjoying the lands for over 10 years the order of the District Magistrate transferring the lands may be formally ratified by Government.

5. As regards the amount still in Revenue Deposit I would recommend that this may be transferred to the credit of the Sri Mallikarjunaswami temple at Malleswaram Bangalore City. This old institution which has lent its name to one of the popular extensions of the City is badly in need of funds and the attempts of the temple authorities to secure lands to the temple and an increased cash grant have so far been unsuccessful. This temple is also treated as an Ancient monument and as such deserves some encouragement.

I request

I request the favour of early orders in the matter.

I have the honour to be,
S i r,
Your most obedient servant,

DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

SVS.23-2-34.

PROCEEDINGS OF THE [illegible]

PRESENT

[illegible]

Read :-

Letter No. C. 3 2231/33-34 dated the 22nd [illegible] 1934 from the Deputy Commissioner, Bangalore District, stating that the marginally noted lands which belonged to one Narasappa of Byappanahalli Village, [illegible] Hobli, Bangalore Taluk, were confiscated to [illegible] -ment for [illegible] -dual [illegible] -el [illegible] in [illegible] -ed [illegible] [illegible] [illegible]

Bangalore District.

Order No. 1444-7/Mag 239-33-2

Dated, Bangalore, 30th April 1934.

Proposal 2nd May

The ~~recommendation~~ of the Deputy Commissioner agreed to by the Muzrai Commissioner to regularise the transfer of one half of the lands to Sri Venkataramaswami Temple Fort, Bangalore City, is sanctioned.

For Secretary to Government,
Financial Department.

To

The Muzrai Commissioner in Mysore,

The Deputy Commissioner, Bangalore District,

The Comptroller to Government,

The Revenue Commissioner in Mysore.

G. R. S. App. F VI—G 2]

SUBJECT

Diary No. of letter replied to.

Section Mucz

File No. 239-33

Serial No. 2

General and Revenue Secretariat

( )

the *193*

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue .. 2-5-. 1934

Read— Letter No C3. 2231/33-34 dy 22-2-1934 from the DC Bangalore stating that the marginally noted lands which belonged to one Nivasappa of Byappanahally Village, Krishnarajapura Hobli, Bangalore Dk, were confiscated as the said individual was involved himself in a Criminal Case & absconded and have been in the possession of govt from 1900-01, & that one half of the said lands is under the encroachment explained, in the possession of private parties, & that no good purpose would be served by pursuing the matter further by putting forward the claim of govt now in respect of the said

Signed by V V B Muddukrishna

(Here enter the marginally noted portion para 1 read.)

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, kannada part ?

~~and recommending among the matter~~ as regards the that the other half of the said prospects, ~~which~~ they are in the enjoyment of Sri Venkatramana-swami temple Fort, Bangalore city, under the orders of the Dt. Magistrate dt. 15-1-26 Bangalore and recommending among other matters that the order of the Dt Magistrate transferring the lands to the said temple may be ratified.

2. Un-official note No. 1148 dt 5-4-34 of the Dc stating that he is agreeable to the proposal made by the DC Bangalore dt.

Order:- No- 1444-

The proposal recommendation of the DC, agreed to by the Dc, to regularise the transfer of one half of the lands to Sri Venkatramanaswami Fort, Bangalore city, be sanctioned

2/25/4

Fit for Orders

List of Enclosure

Copied by

Examined by

To The Dc
" DC Bangalore dt
" Cmpt
" Re

C/fy to Rev Branch Secl- 21-5-34

WD 0254—GPB—10,000—22-8 32

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Bangalore, Dated, 4th Septr. ~~1934~~. 6a

No. 309 Muz 239-33-3

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Deputy Commissioner,

Bangalore District.

Sir,

With reference to paras 4 and 5 of your letter No.C.3-2231/33-34 dated 22nd February 1934 addressed to the Chief - Secretary to Government recommending that out of certain amounts kept in Revenue and Muzrai deposits a portion viz., Rs.634-11-7, be transferred to the credit of the temple of Sri Mallikarjuna-swami, Malleswaram, Bangalore City, I am directed to state that the recommendation cannot be sanctioned as the money is not - particularly a muzrai receipt to be given to another muzrai - institution and to add that the money referred to is really - income to Government from Courts of Law and should have been - merged long ago with General Revenues.

The entire records received with your letter under advertence are herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- R. Ranga Rao,

Chief Secretary to Government.

Memo No. 310 Muz Bangalore, dated the 4th September 1934. 6a

Copy of the above is forwarded with compliments to the Muzrai Commissioner in Mysore for information with reference to his Un-official note No.C.1148/33-34 dated ~~8th~~ June 1934.

By Order,

For Chief Secretary to Government.

AG

bnl.

bnl.3

Appendix F G—1

SUBJECT .....

.....

.....

Section 17u3

File No. 239-33

Serial No. 3

Diary No. of letter replied to .....

No. 309 Enc 3 files

To

The D. C. Bangalore Dist.

General and Revenue Secretariat

( )

the *193* .

Sir,

In reference to

letter No C3. 2271

33-34

Date of issue 6.9.34

Signed by N. B. Muddukrishnappa

Q 2242/34 addressed with

Circl. Proposing ~~The~~ to

~~transfer of~~ Rs 634-11-7 stated

be transferred to the credit of

to be in Rev. deposit being

the income from lands

Acquired

Confiscated under Sec 88

Cr P.C. from one

Yabbanahalli village

~~Bangalore~~ Taluk

in favour of

Sri Mallikarjuna

What out of certain amounts kept in Rev. and miscl deposits a portion viz

List of enclosures .....

Copied by .....

Examined by.....

WD 01956—GPB—22,500—12-6-34

Mangalore 8th Oct. 1934

I am directed to state that the recommendation cannot be sanctioned. As the money is really income to govt, the money reported to be received by the Court of Law and showed in the Accounts as Receipts of Courts of Law is recommended in particular as a receipt to be given to another Mag. Dist and that in these cases Receipts should be given to the institutions and not to the recommendation.

The records received herewith under acknowledgement are herewith returned.

Thanks Etc

8/10/34
for S.C.S.O.

C.S.
2078

310 & 69 34

Copy of the above is forwarded with Compliments to the Murgra commissioned in response for information with reference to his W.O. note no. C 1148/33-34 of 8/6/34

By order

8/10/34
Asst. Sec to Govt.